

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

PATRICK HICKEY,)
vs.)
Plaintiff,)
vs.)
SOUTHERN AUTOBODY SUPPLY, INC.,)
Defendant.)
)
)
)
)
No: 1:21-cv-00085-TAV-CHS

JOINT MOTION FOR APPROVAL OF FLSA SETTLEMENT

Pursuant to Section 216(b) of the Fair Labor Standards Act (FLSA), the parties respectfully move the Court for an order approving a settlement of Plaintiff's FLSA claims. As explained below, the proposed settlement includes payment of 100% of Plaintiff's alleged overtime back pay; liquidated damages in an amount equal to his alleged overtime back pay; and statutory attorney's fees and costs.

Plaintiff was employed by Defendant as paint mixer and as a counter person from August of 2020 until March of 2021. He was paid an hourly rate for his work, and his duties included mixing paint, taking and executing orders for products, and performing various administrative tasks. Plaintiff alleges that he performed uncompensated work "off the clock" before and after his scheduled work hours, and during unpaid lunch breaks. Defendant denies Plaintiff's allegations and denies liability under the FLSA.

Based on a review of Plaintiff's time and pay records and Plaintiff's estimate of the number of hours he alleges that he worked off the clock, Plaintiff and his counsel have calculated that Plaintiff is owed a total of \$1,555.07 in overtime back pay. Although Defendant disputes

Plaintiff's claims, it has agreed to resolve Plaintiff's claims by paying the full amount of his alleged overtime back pay totaling \$1,555.07, plus an equal amount of liquidated damages totaling \$1,555.07. See, 29 U.S.C. § 216(b). In addition, Defendant will separately pay Plaintiff's statutory attorney's fees in the amount of \$6,437.50 and costs in the amount of \$425.00. Id. Plaintiff will utilize a portion of the liquidated damages recovery to pay off the full balance of a car loan that Defendant made to Plaintiff while he was employed with Defendant, totaling \$1,260.00. Accordingly, Plaintiff will receive a net payment of \$295.00 for the liquidated damages portion of the recovery, in addition to the payments for overtime back pay and statutory attorneys' fees and costs. In return for these payments, Defendant will receive a dismissal of the lawsuit with prejudice, and Plaintiff has not agreed to any other terms or obligations. The parties have not entered into a separate written settlement agreement, and the terms of this settlement are entirely set forth in the present motion.

Accordingly, Plaintiff will receive the full benefits to which he alleges he is entitled pursuant to the FLSA. Id. A district court may approve a settlement after determining that it is fair and reasonable. See, e.g., Lynn's Food Stores, Inc. v. United States, 679 F. 2d 1350, 1353-54 (11th Cir. 1982). Because Plaintiff will receive full benefits, there is no question that the settlement is fair and reasonable. See, e.g., Hanks v. Racetrack Petroleum, Inc., 2011 WL 4408242, at *2 (M.D. Fla. Sept. 9, 2011) ("Full recompense is *per se* fair and reasonable.").

For the foregoing reasons, the parties respectfully move the Court for an order approving the proposed settlement, and have attached a proposed Order to this motion.

Respectfully submitted,

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of June, 2021, a true and correct copy of the foregoing was served via the Court's electronic filing system on Bradford G. Harvey, Miller & Martin PLLC, 832 Georgia Avenue, Suite 1200, Chattanooga, TN 37402-2289.

/s/ R. Scott Jackson, Jr.
R. Scott Jackson, Jr.